



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ferree

Serial No.: 10/787,469

Group Art Unit: 3732

Filed: Feb. 26, 2004

Examiner:

For: ANNULUS FIBROSIS AUGMENTATION METHODS AND APPARATUS

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT WITHIN THREE MONTHS OF FILING OR BEFORE MAILING OF FIRST OFFICE ACTION (37 CFR 1.97(b))

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office Action on the merits, whichever event occurs

last. 37 CFR 1.97(b).

Date: Nov. 2, 2004

John G. Posa

GIFFORD KRASS et al.

Reg. No.: 37,424

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Birmingham, MI 48009

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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date: 11/2/04

Sheryl L. Hammer

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ferree

Serial No.: 10/787,469

Group Art Unit: 3732

Filed: Feb. 26, 2004

BIRMINGHAM, MICHIGAN 48009-5394 (248) 647-6000

280 N. OLD WOODWARD AVENUE, STE.

ANDERSON & CITKOWSKI, P.C.

GIFFORD, KRASS, GROH, SPRINKLE,

Examiner:

For: ANNULUS FIBROSIS AUGMENTATION METHODS AND APPARATUS

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. §1.56, it is respectfully requested that this Information Disclosure Statement be entered and the references listed on attached Form PTO-1449 be considered by the Examiner and made of record. The above-referenced application is a continuationin-part of U.S. patent application Serial No. 10/120,763, filed April 11, 2002 in which all of the listed references were cited in an Information Disclosure Statement. In accordance with 37 C.F.R. §1.98(d), copies of the listed references are not required.

In accordance with 37 C.F.R. §1.97(g), this Information Disclosure Statement is not to be construed as a representation that a search has been made or that no other possible material information as defined in 37 C.F.R. §1.56(a) exists. In accordance with 37 C.F.R. §1.97(h) the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b).

Respectfully submitted,

John G. Posa

Reg. No. 37,424

Date: Nov. 2, 2004

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	2,677,3	69	5/4/1954	Knowles		128	92		
	3,366,9	75	2/6/1968	Pangman		3	36		
	3,426,36	64	2/11/1969	Lumb		3	1		
	3,551,50	60	12/29/1970	Thiele		424	95		
	3,593,34	42	7/20/1971	Niebauer		3	1		
			U.S. PATEN	IT APPLIC	ATION PUBLICATIONS				
*EXAMINER INITIAL	С	DOCUMENT NUMBER	DATE		NAME	CLASS	SUBCLASS	FILING DAT	
	3,648,29	94	3/14/1972	Shahresta	nni	3	1		
	3,855,63	38	12/24/1974	Pilliar		3	1		
	3,867,728 2/25/1975				et al	3	1		
	3,878,59	95	4/8/1975	Froning		3	1		
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i	Sí	teven Frick MD, SPINI	E, Vol. 19, No. 10	6, pp. 1820	6-1835, 1994				
	0	rthopedics Today, July	2000						
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ATTY DOCKET NO. APPLICATION NO. BAF-10404/29 10/787,469 INFORMATION DISCLOSURE CITATION APPLICANT(S) (Use several sheets if necessary) **Ferree** FILING DATE **GROUP ART UNIT** 3732 Feb. 26, 2004 **U.S. PATENT DOCUMENTS** *EXAMINER FILING DATE DOCUMENT NUMBER DATE NAME CLASS SUBCLASS INITIAL IF APPROPRIATE 3,883,902 3 5/20/1975 Lynch 36 4,229,839 10/28/1980 Schwemmer 3 1.91 1/12/1982 4,309,777 Patil 3 1.91 4,439,921 9/21/1982 Kuntz 3 1 4,707,872 11/24/1987 Hessel 5 451 **U.S. PATENT APPLICATION PUBLICATIONS** *EXAMINER FILING DATE DOCUMENT NUMBER DATE CLASS SUBCLASS NAME INITIAL IF APPROPRIATE 4,714,469 12/22/1987 Kenna 623 17.11 4,759,766 7/26/1988 Buettner-Janz et al 623 17.11 4,801,299 1/31/1989 Brendel et al 623 17.11 4,863,477 9/5/1989 Monson 623 17.11 **FOREIGN PATENT DOCUMENTS** TRANSLATION DOCUMENT NUMBER DATE COUNTRY CLASS SUBCLASS YĘS NO OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

"Proceedings 14th Annual Meeting," North American Spine Society, October 1999

"Proceedings 13th Annual Meeting," North American Spine Society, October 1998

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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	4,904,261	2/27/1990	Dove et a	<u> </u>	623	17			
	4,911,718	3/27/1990	Lee et al		623	17			
	4,917,704	4/17/1990	Frey et al		623	17			
	4,946,378	8/7/1990	Hirayama	a et al	623	17			
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	5,002,576	3/26/1991	Furhman	n et al	623	17	IF AFFROR	MATE	
	5,035,716	7/30/1991	Downey	Downey 623			-		
	5,071,437	12/10/1991	Steffee		623	17			
	5,108,438	4/28/1992	Stone	·	623	17			
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	5,171,280	12/15/1992	Baumgar	tner	623	17			
	5,171,281	12/15/1992	Parsons o	et al	623	17			
	5,246,458	9/21/1993	Graham		623	17			
	5,258,031	11/2/1993	Salib et a	l	623	17			
	5,263,953	11/23/1993	Bagby		606	61			
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*EXAMINER	DOCUMENT NUM	BER DATE		NAME	CLASS	SUBCLASS	FILING DAT		
	5,314,477	5/24/1994	Marnay		623	17			
	5,320,644	6/14/1994	Baumgar	tner	623	17		-	
	5,370,697	12/6/1994	Baumgar	tner	623	17			
	5,375,823	12/27/1994	Navas		267	195			
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S,458,642 10/17/1995 Beer et al 623 17			5,401,269	3/28/1995	Buettner-	Janz et al	623	17		
5,464,439 11/7/1995 Gendler 623 16,11			5,425,773	6/20/1995	Boyd et al	l	623	17		
S.514,180 S771996 Heggeness et al 623 17.11			5,458,642	10/17/1995	Beer et al		623	17		
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5,534,030			DOCUMENT NUMBER	DATE		NAME	CLASS	SUBCLASS		
5,554,191			5,534,028	7/9/1996	Bao et al		623	17		
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FOREIGN PATENT DOCUMENTS DOCUMENT NUMBER DATE COUNTRY CLASS SUBCLASS TRANSLATION YES NO			5,554,191	9/10/1996	Lahille et	al	623	17		
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	5,	609,635	3/11/1997	Michelson	1	623	17		
	5,	643,329	7/1/1997	Solomono	w et al	607	43		
	5,	645,596	7/8/1997	Kim et al		623	17		
	5,	653,763	8/5/1997	Ericco et	al	623	17		
	5,	.674,294	10/7/1997	Bainville (et al	623	17		
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	5,	.674,296	10/7/1997	Bryan et a	d	623	17		
	5,	.683,465	11/4/1997	Shinn et a	1	623	17		
	5,	702,450	12/30/1997	Bisserie		623	17		
	5,	711,960	1/27/1998	Shikinami		424	426		
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APPLICATION NO. ATTY DOCKET NO. BAF-10404/29 10/787,469 INFORMATION DISCLOSURE CITATION APPLICANT(S) **Ferree** (Use several sheets if necessary) FILING DATE **GROUP ART UNIT** Feb. 26, 2004 3732 **U.S. PATENT DOCUMENTS** *EXAMINER FILING DATE DOCUMENT NUMBER DATE NAME CLASS SUBCLASS INITIAL IF APPROPRIATE 5,776,196 7/7/1998 Matsuzaki et al 623 17 5,782,919 7/21/1998 Zdeblick et al 623 17 5,824,094 10/20/1998 Serhan et al 623 17 5,865,845 2/2/1999 Thalgott 623 17 5,865,846 2/2/1999 623 Bryan et al 17 **U.S. PATENT APPLICATION PUBLICATIONS** *EXAMINER FILING DATE DOCUMENT NUMBER NAME CLASS SUBCLASS INITIAL IF APPROPRIATE 5,865,847 2/2/1999 Kohrs et al 623 17 Baker 5,865,848 2/2/1999 623 17 3/23/1999 5,885,287 606 Bagby 17 5,888,226 3/30/1999 623 Rogozinski 17 **FOREIGN PATENT DOCUMENTS** TRANSLATION DOCUMENT NUMBER DATE COUNTRY SUBCLASS CLASS YES NO OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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	5,888	3,227	3/30/1999	Cottle		623	17		
	5,893	3,390	4/13/1999	Pisharod	i	623	17.11		
	5,893	3,889	4/13/1999	Harringt	on	623	17		
	5,895	5,427	4/20/1999	Kuslich	et al	623	17		
	5,897	7,593	4/27/1999	Kohrs et	al	623	17		
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	5,899	9,941	5/4/1999	Nishijim	a et al	623	17		
	5,906	5,616	5/25/1999 Pavlov			606	61		
	5,928	3,284	7/27/1999	Mehdiza	deh	623	17		
	5,964	1,807	10/12/1999	Gan et al		623	17.11		
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	6,102,950		8/15/2000	Vaccaro		623	17.11		
_	6,022,376		2/8/2000	Assell et a	al	623	17.16		
	6,060,053		5/9/000	Atala		424	93.7		
	6,077,987		6/20/000	Breitbart	et al	623	11.11		
	6,090,112		7/18/2000	Zucherm	an et al	606	61		
			U.S. PATE	NT APPLIC	ATION PUBLICATIONS	3			
*EXAMINER INITIAL	DOC	CUMENT NUMBER	DATE		NAME	CLASS	SUBCLASS	FILING DAT	
	5,989,291		11/23/1999	Ralph et	Ralph et al 623		17.13		
	6,019,793		2/1/2000	Perren et	al	623	17.11		
	6,066,325	6,066,325 5/23			et al	424	400		
	6,110,210		8/29/2000	Norton et	t al	623	17.16		
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		6,113	3,639	9/5/2000	Ray et al		623	17.16		
		6,117	7,174	9/12/2000	Nolan		623	17.11		
		6,143	3,032	11/7/2000	Schafer et	t al	623	17.11		
		6,146	5,420	11/14/2000	McKay		623	17.11		
		6,183	3,518	2/6/2001	Ross et al		623	17.16		
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*EXAMINER			DOCUMENT NUMBER	DATE		NAME	CLASS	SUBCLASS	FILING DAT	
		6,187	7,048	2/13/2001	Milner et	al	623	17.12		
		6,190),414	2/20/2001	Young et	al	623	17.15		
		6,193,757 2/27/2001			Foley et a	1	623	17.16		
	6,197,586 3/6/2001				Bhatnaga	r et al	435	395		
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		U.	.S. PATENT	DOCUMENTS					
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	6,221,109	4/24/2001	Geistlich	et al	623	17.11			
	6,231,615	5/15/2001	Preissma	1	623	23.73			
	6,245,107	6/12/2001	Ferree		623	17			
	6,245,108	6/12/2001	Biscup		623	17.11			
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	6,340,369	1/22/2002	Ferree		623	17.11			
	6,352,557	3/5/2002	Ferree 623			17.11			
	6,371,990	4/16/2002	Ferree		623	17.16			
	6,419,702	7/16/2002	Ferree		623	17.11			
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	· ·		U.	S. PATEN1	DOCUMENTS						
*EXAMINER	T	DOCUMENT NUMBER	DATE		NAME	CLASS	SUBCLASS	FILING DAT			
	6,41	19,704	7/16/2002	Ferree		623	17.12				
	4,41	13,359	11/8/1983	Akiyama	et al	3	1				
	4,51	12,338	4/23/1985	Balko et a	al	128	1R				
	4,60	63,358	5/5/1987	Hyon et a	ı	521	64				
	4,7	72,287	9/20/1988	Ray et al		623	17				
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*EXAMINER INITIAL		DOCUMENT NUMBER	DATE		NAME	CLASS	SUBCLASS	FILING DAT			
	4,83	34,757	5/30/1989	Brantiga	n	623	17				
	4,90	04,260	2/27/1990	Ray et al		623	17				
	4,932,969 6/12/1990				Frey et al 623						
	5,01	15,255	5/14/1991	Kuslich		623	17				
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ATTY DOCKET NO. APPLICATION NO. BAF-10404/29 10/787,469 INFORMATION DISCLOSURE CITATION APPLICANT(S) **Ferree** (Use several sheets if necessary) FILING DATE **GROUP ART UNIT** Feb.26, 2004 3732 **U.S. PATENT DOCUMENTS** *EXAMINER FILING DATE DOCUMENT NUMBER DATE NAME CLASS SUBCLASS INITIAL IF APPROPRIATE 5,047,055 9/10/1991 623 Bao et al 17 3/31/1992 5,100,422 Berguer et al 606 151 5,147,374 9/15/1992 Fernandez 606 151 5,171,278 12/15/1992 Pishrodl 623 17 5,192,326 3/9/1993 Bao et al 623 17 **U.S. PATENT APPLICATION PUBLICATIONS** *EXAMINER FILING DATE DOCUMENT NUMBER DATE CLASS SUBCLASS NAME INITIAL IF APPROPRIATE 5,258,043 11/2/1993 Stone 623 66 5,304,194 4/19/1994 Chee et al 606 191 5,342,394 8/30/1994 Matsuno et al 606 213 5,370,660 12/6/1994 Weinstein et al 606 215 **FOREIGN PATENT DOCUMENTS**

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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*EXAMINER			DOCUMENT NUMBER	DATE		NAME	CLASS	SUBCLASS	FILING DAT	
		5,390),683	2/21/1995	Pisharodi		128	898		
		5,425	5,772	6/20/1995	Brantigar		623	17		
		5,540	0,715	7/30/1996	Katsaros	et al	606	213		
		5,545	5,229	8/13/1996	Parsons e	t al	623	17		
		5,562	2,736	10/8/1996	Ray et al		623	17		
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*EXAMINER			DOCUMENT NUMBER	DATE		NAME	CLASS	SUBCLASS	FILING DAT	
		5,645	5,597	7/8/1997	Krapiva		623	17		
		5,681	1,310	10/28/1997	Yuan et a	1	606	61		
		5,716	5,416	2/10/1998	Lin		623	17		
		5,800	0,549	9/1/1998	Bao et al		623	17		
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		5,80	0,550	9/1/1998	Sertich		623	17			
		5,82	4,093	10/20/1998	Frey et	al ,	623	17			
		5,82	7,328	10/27/1998	Butterm	an	623	17			
		5,87	9,366	3/9/1999	Shaw et	al	606	213			
		5,91	6,225	6/29/1999	Kugel		606	151	151		
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*EXAMINER	,,		DOCUMENT NUMBER	DATE		NAME	CLASS	SUBCLASS	FILING DAT		
		5,97	6,174	11/2/1999	Ruiz		606	213			
		5,97	6,186	11/2/1999	Bao et al	l	623	17			
		6,02	4,754	2/15/2000	Engelson	n	606	213			
		5,12	3,926	6/23/1992	Pisharod	3i	623	17			
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	_	6,224,630	5/1/2001	Bao et a	Bao et al		17.16			
		6,491,724	12/10/2002	Ferree		623	17.11			
		6,425,919	7/30/2002	Lambre	Lambrecht 623 Brantigan 128		17.16			
		4,743,256	5/10/1988	Brantig			898			
		6,007,570	12/28/1999	Sharkey et al		606	15			
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		5,496,318	3/5/1996	1996 Howland et al		606	53	53		
	5,059,193 5,571,189 6,132,465		10/22/1991	Kuslich 6		606	60			
			11/5/1996			623	17.12			
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		2002/0077701	6/2002	Kuslich		623	17.12		<u>.</u>	
	·	2003/0074075	4/2003		Thomas et al		17.16			
		2002/0147497	10/2002		Belef et al		17.12			
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		5,549,679	8/1996	Kuslic	Stoy Besselink Kuslich		17.12			
		6,488,710	12/2002	Bessel			17.15			
		6,264,695	7/2001	Stoy			17.16			
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